

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVIE HARRISON, ID # 696677,)	
KENNETH MAYBERRY, ID # 299187,)	
Plaintiffs,)	
vs.)	No. 3:11-CV-0333-K
)	
UNITED STATES MARSHAL SERVICE)	
et al.,)	
Defendants.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. Plaintiffs' Objections to the Findings, Conclusions, and Recommendation of the Magistrate Judge, filed on March 25, 2011, are hereby **OVERRULED**.

Therefore it is ORDERED that:

1. The motions to certify this action as a class action and to appoint counsel are **DENIED**.
2. Plaintiff Davie Harrison's claims are hereby severed and dismissed, and the Clerk of Court is **DIRECTED** to 1) open a new civil action on his behalf; 2) docket copies of

all documents in this case that were signed by Harrison, the findings and recommendation of the magistrate judge, and this order in that new action; and 3) directly assign the new action to the same district judge and magistrate judge as in this action.

3. The Clerk shall transmit a true copy of this Order to the plaintiffs.

SO ORDERED.

SIGNED this 5th day of April, 2011.

A handwritten signature in cursive script, reading "Ed Kinkeade", written in black ink.

ED KINKEADE
UNITED STATES DISTRICT JUDGE